IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

W.P.(C).No.352 of 2006(P)

PETITIONER:-

PALEMBADIYAN AMBALAPARAMBIL MOHAMMED,
S/O. KUNHALIKKUTTY, MANKADA PALLIPPURAM P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENTS:-

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1. THE PERINTHALMANNA CO-OPERATIVE
   AGRICULTURAL AND RURAL DEVELOPMENT BANK
   PERINTHALMANNA P.O., REPRESENTED BY ITS SECRETARY.

2. THE SALE OFFICER,
   THE PERINTHALMANNA CO-OPERATIVE AGRICULTURAL AND RURAL
   DEVELOPMENT BANK, PERINTHALMANNA P.O.

R1 BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SRI.V.S.ROBIN

R2 BY SENIOR GOVERNMENT PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.Padmanabhan Nair,J.

W.P.(C).No.352 of 2006-P

Dated, this the 21st day of February, 2007

JUDGMENT

The petitioner challenges the recovery proceedings initiated by the Sale Officer at the instance of 1st respondent-Bank. This Court while issuing notice before admission, directed the petitioner to deposit Rs.40,000/- per mensem payable on or before the last working day of every month commencing from January, 2006. The petitioner has not complied with that condition. In spite of laches on the part of the petitioner, I am inclined to grant one more opportunity to the petitioner to avail the benefit of One Time Settlement. If the petitioner files an application within ten days from today, the 1st respondent-Bank shall serve a statement of accounts to him within five days from that date. On receipt of the statement of accounts, the petitioner shall deposit 20% of the amount so claimed and file an application claiming the benefit of One Time Settlement as

applicable to Agricultural and Rural Development Banks within three weeks from the date of receipt of the statement of accounts. On receipt of such an application, the 1st respondent shall consider the same and pass appropriate orders within six weeks from the date of receipt of the same. Until the Bank takes a decision, the coercive steps initiated shall stand adjourned. In case the petitioner commits default of any of the aforesaid conditions, the 1st respondent-Bank is free to proceed with the recovery proceedings.

The writ petition is disposed of as indicated above.

K.Padmanabhan Nair
Judge

vku/-